

D. J. H. asks the Utah Labor Commission to review Administrative Law Judge Sessions' denial of Mr. H.'s claim for benefits under the Utah Workers' Compensation Act ("the Act"; Title 34A, Chapter 2, Utah Code Annotated).

The Labor Commission exercises jurisdiction over this motion for review pursuant to Utah Code Ann. §63-46b-12 and Utah Code Ann. §34A-2-801(3).

BACKGROUND AND ISSUE PRESENTED

On September 19, 2003, Mr. H. filed an application with the Commission to compel Tekton and its insurance carrier, Workers Compensation Fund (referred to jointly as Tekton hereafter) to pay benefits for an alleged work-related injury to Mr. H.'s left knee. After an evidentiary hearing, Judge Sessions issued his decision on February 8, 2005, denying the claim.¹

Mr. H. now seeks Commission review of Judge Sessions' decision on the grounds that errors of fact have resulted in incorrect conclusions of law.

DISCUSSION

In attempting to review this matter, the Commission finds that the ALJ's decision inadequately explains the factual and legal basis for his dismissal of Mr. H.'s claim. The parties are entitled to a decision that: 1) identifies the issues in dispute; 2) states the facts; 3) identifies applicable law; and 4) explains the application of the law to the facts. These elements are missing in the decision now before the Commission.

In light of the foregoing, the Commission remands Mr. H.'s claim to Judge Sessions with instructions to issue a new decision that contains the above-identified elements of an adequate decision. Any party dissatisfied with Judge Sessions' decision may seek Commission or Appeals Board review.

Because of the delay the parties have already experienced in obtaining resolution of their dispute, Judge Sessions is directed to give this matter his prompt attention.

ORDER

The Commission remands Mr. H.'s claim to Judge Sessions for issuance of a new decision. It is so ordered.

Dated this 29th day of August, 2005.

R. Lee Ellertson, Utah Labor Commissioner

1. Judge Eblen was originally assigned as presiding officer in this matter and it was Judge Eblen

who held the evidentiary hearing. However, before issuing a decision, Judge Eblen resigned her position with the Commission. Judge Sessions was then assigned to complete the adjudication of Mr. H.'s claim.